REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	16 December 1999
Name of applicant/court:	The District Court at Christchurch
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	YNG&HNG1.jpg
Other Known Titles:	DIA Exhibit #18
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Applicable
Language:	Not Applicable

Components of film originally examined: Not Applicable.

Feature:	Running time:
Trailers:	Running time:
	Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

The computer image file *YNG&HNG1.jpg* is classified as:
Objectionable.

The computer image file presents a black and white photograph of a young male aged around 14 or 15 years going through a desk drawer in an office. He is naked from the waist down and the focus of the photograph is on his exposed genitals. The pose is relatively natural but the fact that his penis is clearly shown and occupies a prominent part of the photograph means that the photograph is likely to be given a sexual reading. The photograph's lack of any other context suggests that its most likely use is that of gratifying adults who have a sexual interest in young persons, and young males in particular.

Having considered the criteria in s3(3) and s3(4) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act), the Classification Office is of the opinion that the availability of this computer image file is likely to be injurious to the public good because of the extent and degree to which, and the manner in which, the publication exploits the nudity of a young person.

The New Zealand Bill of Rights Act 1990 (NZBR Act) has been balanced against considerations under the criteria of the FVPC Act. Section 14 of the NZBR Act applies to this computer image file. An objectionable classification in this instance is a significant limitation on the rights of New Zealanders to access material, and subsequently the right to freedom of expression, and to seek and receive information and opinions of any kind in any form.

Whilst the Classification Office recognises these rights, significant weighting has been given to the injury to the public resulting from the availability of images of this nature. The Classification Office is confident that such a limitation on freedom of expression is both reasonable and justified as outlined in s5 of the NZBR Act.

OFLC Ref: 9901777